



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

November 18, 2013

Elise D. Allen
Clausen Miller P.C.
10 S. LaSalle Street
Chicago, IL 60603

Re: Freedom of Information Act Request EPA-R9-2013-006445

Dear Ms. Allen:

This letter responds to the Freedom of Information Act request, dated May 7, 2013, submitted by your colleague Mark Paulson regarding the B.F. Goodrich Superfund Site. The request sought any and all documents from January 1, 2009 through the date of your request relating to the B.F. Goodrich Superfund site.

In a series of telephone conversations and emails between Michele Benson of EPA's Office of Regional Counsel and yourself, you narrowed your request. We have sent you six DVDs and six CDs containing approximately 3,500 documents responsive to your request.

There is a fee due for responding to your request pursuant to 40 C.F.R. Section 2.120 (a)(5)(iii). We will separately send you a bill.

If you have any questions, please contact Michele Benson at 415-972-3918.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Hiatt", is written over a horizontal line.

Richard Hiatt
Section Chief, Superfund Division

cc: Ivry Johnson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

November 12, 2013

Mark Paulson
Elise D. Allen
Clausen Miller P.C.
10 S. LaSalle Street
Chicago, IL 60603

Re: Freedom of Information Act Request EPA-R9-2013-006445

Dear Mr. Paulson:

Enclosed are 4 DVDs and 5 CDs in further response to your Freedom Of Information Act Request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Blais", is written above the printed name.

John Blais
Legal Technician

Enclosures

Benson, Michele

From: Benson, Michele
Sent: Tuesday, November 12, 2013 11:29 AM
To: 'Elise D. Allen'
Cc: Mark D. Paulson; Johnson, Ivry; Praskins, Wayne; Moore, Letitia; Schechter, Debbie
Subject: RE: Goodrich Superfund FOIA Request FOIA 2013-006445

We have copied the documents you have requested for the above referenced FOIA. Nine CDs containing the documents will be sent to you today by overnight mail. This concludes this FOIA. A bill will be sent to you shortly.

Michele Benson
Assistant Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3918

From: Elise D. Allen [mailto:eaillen@clausen.com]
Sent: Tuesday, November 05, 2013 11:38 AM
To: Benson, Michele
Cc: Mark D. Paulson; Johnson, Ivry; Praskins, Wayne; Moore, Letitia; Schechter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

Michele-

From the index of the previously uncoded documents, labeled "IndexOctober_28.docx", we would like Index nos. 27, 28, 48, 51, 52, 53, 54, 55, 56, 60, 64, 102, 141, 142, 143, 144.

I also attach the Excel spreadsheets for the CDs and oversized documents marked with what we still would like produced. Finally, we do not need the videotape copied.

Thank you,

Elise D. Allen | Attorney
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | eaillen@clausen.com



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From: Benson, Michele [mailto:Benson,Michele@epa.gov]
Sent: Friday, November 01, 2013 6:41 PM
To: Elise D. Allen
Cc: Mark D. Paulson; Johnson, Ivy; Praskins, Wayne; Moore, Letitia; Schechter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

Please find attached a list of the document IDs for the releasable CDs. You can search the index we provided to you for the ID of the videotape.

Michele Benson
Assistant Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3918

From: Elise D. Allen [mailto:ellen@clausen.com]
Sent: Tuesday, October 29, 2013 7:17 AM
To: Benson, Michele
Cc: Mark D. Paulson; Johnson, Ivy; Praskins, Wayne; Moore, Letitia; Schechter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

Michele-

Can you please provide me a list of the Doc IDs for the 25 CDs and the videotape?

You also mentioned that there were large-scale documents and/or maps that would need to be specially copied for us and that were not available electronically. Other than the large scale copies and the videotape/CDS, do you have any other non-electronic items that will also need to be copied? If so, what is the cost of copying those items in house or will we need to outsource?

Thanks,

Elise D. Allen | Attorney
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | ellen@clausen.com

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From: Benson, Michele [<mailto:Benson,Michele@epa.gov>]
Sent: Monday, October 28, 2013 6:18 PM
To: Elise D. Allen
Cc: Mark D. Paulson; Johnson, Ivy; Praskins, Wayne; Moore, Letitia; Schechter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

We estimate it will cost approximately \$500 to copy the 25 CDs. We can't reproduce the videotape, but we can send it out to be transferred to a DVD for a cost of \$75.

Michele Benson
Assistant Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3918

From: Elise D. Allen [<mailto:ellen@clausen.com>]
Sent: Monday, October 28, 2013 12:32 PM
To: Benson, Michele

Cc: Mark D. Paulson; Johnson, Ivy; Praskins, Wayne; Moore, Letitia; Schecter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

Michele-

Thank you for getting back to me on the uncoded documents. I will review and get back to you.

As for the releasable documents which are not in electronic format, previously you indicated that you would get an estimate as to the cost of copying those documents in-house. Could you please provide that estimate?

Thanks,

Elise D. Allen | Attorney
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | ellen@clausen.com

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From: Benson, Michele [<mailto:Benson.Michele@epa.gov>]
Sent: Monday, October 28, 2013 2:28 PM
To: Elise D. Allen
Cc: Mark D. Paulson; Johnson, Ivy; Praskins, Wayne; Moore, Letitia; Schecter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

Please find attached an index of the documents that were previously uncoded and marked with UNC. These documents are now coded. Please let us know if you want any of these documents. We can then put the releasable documents you request on a CD and mail them to you. Also please send us a list of any other documents you want from the previous index so we can close out this FOIA and send you a bill. Please call with any questions.

Michele Benson
Assistant Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street

San Francisco, CA 94105
(415) 972-3918

From: Benson, Michele
Sent: Tuesday, October 22, 2013 9:19 AM
To: Elise D Allen
Cc: MARK D. PAULSON; Johnson, Ivy; Praskins, Wayne; Moore, Letitia; Schechter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

We are working on your request and will provide you with an update when the information is available.

From: Elise D Allen <eaillen@clausen.com>
Sent: Tuesday, October 22, 2013 8:41 AM
To: Benson, Michele
Cc: MARK D. PAULSON; Johnson, Ivy; Praskins, Wayne; Moore, Letitia; Schechter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

Michele-

Please advise as to the status of the remaining EPA FOIA response and as to my inquiry below.

Very Truly Yours,

Elise D. Allen | Attorney
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | eaillen@clausen.com

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From: ELISE D. ALLEN
Sent: Wednesday, October 09, 2013 12:34 PM
To: 'Benson, Michele'
Cc: MARK D. PAULSON; 'Johnson, Ivy'; 'Praskins, Wayne'; 'Moore, Letitia'; 'Schechter, Debbie'
Subject: RE: Goodrich Superfund FOIA Request

Michele-

Do you have any update as to the remaining documents in the EPA FOIA response? Particularly, we are interested in the entry below and whether the EPA is in possession of the actual video tape or simply the transcript, as this description is somewhat unclear:

2045954 11/9/2004 Videotaped deposition of Dwight Weaver in case of City of Riato v United States Dept of Defense, et al, w/exhibits 39-44

Dwight Weaver / NONE

REL 211 FRC

Thank you,

Elise D. Allen | Attorney
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | ellen@clausen.com

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From: Benson, Michele [<mailto:Benson.Michele@epa.gov>]
Sent: Wednesday, September 25, 2013 4:47 PM
To: ELISE D. ALLEN; R9FOIA
Cc: MARK D. PAULSON; Johnson, Ivy; Praskins, Wayne; Moore, Letitia; Schechter, Debbie
Subject: RE: Goodrich Superfund FOIA Request

The DVDs are going out in the mail to you today. You should receive them within 2 business days.

Michele Benson
Assistant Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3918

From: ELISE D. ALLEN [<mailto:ellen@clausen.com>]

Sent: Wednesday, September 25, 2013 2:28 PM

To: R9FOIA

Cc: MARK D. PAULSON; Benson, Michele

Subject: FW: Goodrich Superfund FOIA Request

To Whom It May Concern:

As per the emails below, please let this email serve as our willingness to pay \$214 for 3 DVDs of documents as a partial response to our FOIA request in this matter.

Very Truly Yours,

Elise D. Allen | Attorney

Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | ellen@clausen.com

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From: MARK D. PAULSON

Sent: Wednesday, September 25, 2013 4:01 PM

To: 'Benson, Michele'; ELISE D. ALLEN

Cc: Moore, Letitia; Praskins, Wayne; Schecter, Debbie; Johnson, Ivy

Subject: RE: Goodrich Superfund FOIA Request

That payment is assured.

Mark

Mark D. Paulson | Partner

Clausen Miller P.C. | 10 S. LaSalle St. | Chicago, IL 60603
PH: 312.606.7751 | FAX: 312.606.7777 | mpaulson@clausen.com

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From: Benson, Michele [mailto:Benson.Michele@epa.gov]
Sent: Wednesday, September 25, 2013 3:57 PM
To: ELISE D. ALLEN
Cc: MARK D. PAULSON; Moore, Letitia; Praskins, Wayne; Schechter, Debbie; Johnson, Ivy
Subject: RE: Goodrich Superfund FOIA Request

As we discussed, please find a request for assurance of payment in the amount of \$214.00 for the 3 DVDs of documents. Once we receive your assurance of payment, we will be able to send the documents. Thank you.

Michele Benson
Assistant Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3918

From: ELISE D. ALLEN [mailto:eaallen@clausen.com]
Sent: Tuesday, September 24, 2013 12:19 PM
To: Benson, Michele
Cc: MARK D. PAULSON; Moore, Letitia; Praskins, Wayne
Subject: RE: Goodrich Superfund FOIA Request

Michele-

Please advise as to the status of the disc of the releasable documents in electronic format and the cost of same. As to the releasable documents which are not in electronic format, do you have an estimate as to the cost of reproducing same in-house?

Additionally, please advise if you are able to code any uncoded documents that are not monthly progress reports and, if so, the cost and time involved in doing so.

Very Truly Yours,

Elise D. Allen | Associate
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | ellen@clausen.com

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From: ELISE D. ALLEN
Sent: Tuesday, September 17, 2013 2:47 PM
To: 'Benson, Michele'
Cc: MARK D. PAULSON; 'Moore, Letitia'; 'Praskins, Wayne'
Subject: RE: Goodrich Superfund FOIA Request

Michele-

Thanks, I figured so much. I appreciate your looking into this...it should reduce the amount of documents to code.

Elise D. Allen | Associate
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | ellen@clausen.com

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From: Benson, Michele [mailto:Benson.Michele@epa.gov]

Sent: Tuesday, September 17, 2013 2:12 PM

To: ELISE D. ALLEN

Cc: MARK D. PAULSON; Moore, Letitia; Praskins, Wayne

Subject: RE: Goodrich Superfund FOIA Request

DSN are settlement negotiations which would be privileged according to our judge's order. TMP are not real documents. They are templates created for indexing purposes according to our Record Center indexors. I will look at the uncoded documents which are not monthly progress reports and get back to you.

From: ELISE D. ALLEN [mailto:eallen@clausen.com]

Sent: Tuesday, September 17, 2013 11:37 AM

To: Benson, Michele

Cc: MARK D. PAULSON

Subject: RE: Goodrich Superfund FOIA Request

Michele-

I am reviewing all documents marked in the FOIA spreadsheet we've requested that are NOT marked REL. I see the a few abbreviations – DSN and TMP... what do these stand for? I am assuming they are privileged.

It appears that there are just over 100 uncoded documents and many of them appear to be monthly progress reports from some vendor to the EPA. I see that the coded monthly progress reports are marked CBI. Would there be any way to have you code only those uncoded documents which are NOT monthly progress reports...I think it would be a waste of time to code documents that are CBI and not available to us to review.

Thanks,

Elise D. Allen | Associate

Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603

P: 312.606.7551 | F: 312.606.7777 | eallen@clausen.com

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From: ELISE D. ALLEN

Sent: Friday, September 13, 2013 1:28 PM

To: Benson, Michele'
Cc: MARK D. PAULSON
Subject: RE: Goodrich Superfund FOIA Request

Michele-

Please let this email confirm our telephone conversation minutes ago. We confirm the 60-day extension of time to complete our request.

That said, you indicated that the vast majority of the documents marked REL or "releasable" are already in electronic format and you will be able to produce those documents on a CD at a cost of less than \$100. Please proceed with that portion of the response. If however, you determine that the production of this CD costs of \$100, please advise as I must seek approval from all parties who made this request. You also estimated that you would be able to produce these documents within a week or so. As to the documents marked "releasable" which are not already in electronic format, please advise as to the volume of documents and the cost of putting in electronic format (preferred) or copying (in the case of oversized maps, etc.).

As to the uncoded documents labeled UNC, I will determine whether these documents are still that which we want to review and whether we will need for your office to code same.

Finally, I understand that certain documents labeled FX5, FX7, DDP, DAC, CBI and DAW are privileged documents which you will not be able to produce to us. If there are any documents so labeled which we determine we must have access, I will let you know and you can review those to ensure that the privilege asserted still stands.

I will be in touch with you next week and please keep me apprised of the process of preparing the CD(s) of the releasable electronic documents.

Very Truly Yours,

Elise D. Allen | Associate
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | eallen@clausen.com

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From: Benson, Michele [<mailto:Benson.Michele@epa.gov>]
Sent: Thursday, September 12, 2013 1:56 PM
To: ELISE D. ALLEN

Cc: MARK D. PAULSON
Subject: RE: Goodrich Superfund FOIA Request

Thank you for your message. Given the number of documents, could you please confirm by email that you give us an extension of time for an additional 60 days to complete your request. Please call me with any question or if this presents a problem.

Michele Benson
Assistant Regional Counsel
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3918

From: ELISE D. ALLEN [<mailto:ellen@clausen.com>]
Sent: Tuesday, September 10, 2013 6:34 PM
To: Benson, Michele
Cc: MARK D. PAULSON
Subject: Goodrich Superfund FOIA Request

Michele-

My apologies for failing to contact you sooner. I previously emailed Joan Simmons on September 4th – which was obviously in error. I never heard back from Ms. Simmons and followed-up yesterday on this matter.

I attach the spreadsheet index marked with the documents we would like to review. Those documents we would like to review are quite extensive. Would it be possible to obtain CDs of these documents or some other method that can be transmitted to our offices? Also, what will be the cost of producing these documents to us in the form suggested above?

As Mark Paulson referenced in his previous email, we are trying to determine whether it is more cost effective to obtain copies of the documents now or to come out to you and review the documents first and then request copies.

Please do not hesitate to contact me via email or phone should you have any questions.

Very Truly Yours,

Elise D. Allen | Associate
Clausen Miller P.C. | 10 S. LaSalle Street | Chicago, IL 60603
P: 312.606.7551 | F: 312.606.7777 | ellen@clausen.com

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***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at
(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

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If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

